

# **EXHIBIT 4**

**AFFIDAVIT OF GILBERT POSTELLE**

STATE OF OKLAHOMA           )  
  )  
COUNTY OF PITTSBURG       )       ss.

Before me, the undersigned Notary, on this 19th day of August, 2021, personally appeared Gilbert Postelle, known to me of lawful age, who being by me first duly sworn, on his oath, deposes and says:

1. I am a death-row inmate housed at Oklahoma State Penitentiary (OSP). My Department of Corrections Number is 585999.
2. I am a named Plaintiff in *Glossip v. Chandler*, Western District of Oklahoma Case Number CIV-14-0665-F.
3. Earlier this year, I was asked to select a different method of execution as a proposed alternative method of execution. I respectfully declined to identify an alternative based on moral, ethical and/or religious grounds. Specifically, I declined to identify an alternative execution method because suggesting a method for how the State will kill me would make me complicit in my own death in a way that I believe would be akin to suicide or assisting my suicide.
4. When I submitted my previous answer to this Court, I understood that my claim could be dismissed, but did not appreciate that I would be subject to the threat of immediate execution while the current Oklahoma execution protocol remained under scrutiny from the Court and prior to the final resolution of all of the challenges to the Oklahoma protocol before the Court.
5. Under the circumstances, without waiving these objections and/or reasons for same noted above, I would like to withdraw my previous submission to the Court and respectfully submit the attached election as my chosen alternative method of execution to be presented on my behalf in this matter. *See Ex. 1.*

FURTHER AFFIANT SAYETH NOT.

  
Gilbert Postelle

Subscribed and sworn to me this 19th day of August, 2021.

  
NOTARY PUBLIC

My commission number is: 05008474  
My commission expires: 9/12/21



**Plaintiff's Initials      Alternative Pled (Compl. ¶ 114)**

Execution by a single dose of FDA-approved pentobarbital or sodium pentothal (thiopental) as provided by Charts A and B of the Execution Protocol as described fully in Plaintiffs' Third Amended Complaint paragraph 114(a).<sup>1</sup>

Execution by a single dose of compounded pentobarbital or sodium pentothal (thiopental) as described fully in Plaintiffs' Third Amended Complaint paragraph 114(b).

Execution by a single dose of 40 milligrams of FDA-approved midazolam and potassium chloride, as described fully in Plaintiffs' Third Amended Complaint paragraph 114(c).

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Execution by firing squad as described fully in Plaintiffs' Third Amended Complaint paragraph 114(d).

**Interrogatory No. 16:** Identify where and from whom the State of Oklahoma can obtain pentobarbital or sodium pentothal for use in an execution to be held within the State, as pled in ¶ 114 of your Complaint.

**Supplemental Response:** Subject to foregoing objections, Plaintiffs respond as follows:

The State of Oklahoma has at least five alternative potential sources for pentobarbital: (1) synthesis by a properly licensed chemistry lab; (2) Defendants' technical expert Dr. Buffington who testified that he is aware of a source or sources; (3) the source(s) for the numerous other states that carry out executions using pentobarbital; (4) the source(s) for the federal government, which has recently carried out 13 executions using pentobarbital; or (5) one of the more than 900 pharmacies licensed by the State of Oklahoma and not contacted by the ODOC in an effort to find pentobarbital.

<sup>1</sup> Relevant excerpts of Plaintiffs' Third Amended Complaint are attached hereto as Exhibit A.

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I, Gilbert Pastelle, declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge. As to those facts not known personally to me, I have relied on the sources cited above.

8.19.21  
Date

  
Signature